UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 July 2009*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,4-9,12 and 19-28* is/are pending in the application.
     4a) Of the above claim(s) *3,10,11 and 13-18* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1, 2, 4-9, 12, 19-28* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some *   c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

07/28/2009 has been entered.

Claim Rejections - 35 USC § 101

2.   Previous Claim Rejections - 35 USC § 101 to claim 28 has been withdrawn in

view on Applicant's amendment filed on 07/28/2009.

Response to Arguments

3.   Applicant's arguments filed 07/28/2009 have been fully considered but they are

not persuasive.

Applicant argues on pages 10+ of the 07/28/2009 Remarks that Aoki et al. (U.S.

Patent No. 7,107,271), Naimpally et al. (U.S. Publication No. 2003/0105639), Chang et

al. (U.S. Patent No. 7,328,159) nor Ellis (U.S. Patent No. 7,370,343) fail to specifically

disclose the claim limitations "a recommendation engine for providing a customized

viewing-recommendations list for the viewer subsystem based upon the programming

data maintained at the distribution head of the content distributor and a customized

viewing profile associated with a user of the viewer subsystem;

an interface device of the content distributor provided at the viewer subsystem,
having an electronic program guide and configured and operative to implement the
smart audio guide system functions;

a smart audio guide audio package maintained at the head end of the content
distributor that includes at least a plurality of smart audio guide audio clips
corresponding to the customized viewing-recommendations list; and

a smart guide actuator that is configured and operative in response to one or
more predetermined conditions to activate the rendering of the smart audio guide audio
clips and the customized viewing-recommendations list;

wherein the plurality of smart audio guide audio clips are generated at a head-
end of the content distributor and stored in a database at the head-end,

wherein said interface device is configured and operative to cause the plurality of
smart audio guide audio clips to be uttered in a predetermined mode at the viewer
subsystem via the audio unit when activated to identify programs recommended for
viewing at the viewer subsystem based upon the customized viewing-recommendations
list, and

wherein as the plurality of smart audio guide audio clips is being uttered, a
corresponding visual presentation of the customized viewing-recommendations list is
modified respectively to synchronize the uttering of each of the plurality of smart audio
guide audio clips with matching program data in the visual presentation of the
customized viewing-recommendations list" as now recited in claim 1 and similar to
claims 19 and 28.

In response to argument, Examiner respectfully disagrees. Aoki et al. discloses

a recommendation engine for providing a customized viewing-recommendations list

(EPG information acquisition means, 106) for the viewer subsystem based upon the

programming and a customized viewing profile (recommendation to the user based on

information accumulated in the preference database, 108) associated with a user of the

viewer subsystem (see col. 5, lines 34-54).

However, Aoki et al. is silent as to data maintained at the distribution head of the

content distributor.

In an analogous art, Naimpally et al. discloses data (see fig. 1 (12, 14, 16, 18,

22)) maintained at the distribution head of the content distributor (see fig. 1 (20),

paragraph 0019, the EPG database, weather database etc. are stored and maintained

in the TSS application server, 20).

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the Aoki et al. and Naimpally et al.'s are connected to the internet, not a content

distributor such as a cable or satellite operator that distributes content) are not recited in

the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Naimpally et al. discloses an interface device (see fig. 1 (28, set-top box)) of the

content distributor (see fig. 1 (20)) provided at the viewer subsystem (see fig. 1 (26)),

having an electronic program guide and configured and operative to implement the smart audio guide system functions (see figs 1, 2, paragraphs 0025, 0041);

Naimpally et al. discloses a smart audio guide audio package (fig. 1 (18, 22, speech files) maintained at the head end of the content distributor (server, 20 stores and maintains files in its database) that includes at least a plurality of smart audio guide audio clips (EPG, weather, news information) corresponding to the information (see paragraph 0005, lines 7-12, paragraphs 0033 and 0048);

Naimpally et al. discloses a smart guide actuator (remote control, 72) that is configured and operative in response to one or more predetermined conditions to activate the rendering of the smart audio guide audio clips (see paragraph 0036-0038); Aoki et al. discloses customized viewing-recommendations list in col. 5, lines 34-54.

Naimpally et al. discloses wherein the plurality of smart audio clips are generated at a head-end of the content distributor and stored in a database at the head-end in paragraphs 0007, 0015, 0019. In fig. 1, the method includes converting text files into speech files at a remote location and stored in a database, in paragraph 0015, Naimpally et al. discloses that the remote location is a text-to-speech (TTS) application server, 20 and it is well known that servers are used for storing and distributing programs/contents.

Naimpally et al. discloses wherein said interface device (see fig 2 (50)) is configured and operative to cause the plurality of smart audio guide audio clips (channel 2-CNN Larry King Live etc) to be uttered in a predetermined mode at the viewer

subsystem via the audio unit when activated to identify programs recommended for

viewing at the viewer subsystem based upon the program list (see paragraph 0042).

Naimpally et al. discloses wherein as the plurality of smart audio guide audio

clips is being uttered, a corresponding visual presentation of the information is modified

respectively to synchronize the uttering of each of the plurality of smart audio guide

audio clips with matching program data in the visual presentation of the information (see

paragraphs 0031-0032, 0036 and 0049).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1, 2, 4-9, 19-22 and 27-28** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Naimpally et al. (U.S. Publication No. 2003/0105639) in view of Aoki

et al. (U.S. Patent No. 7,107,271).

Regarding **claim 1**, Naimpally et al. discloses a smart audio guide system (see

fig 1, information appliance (28)) for use in conjunction with a content distribution

network of a content distributor (fig 1, integrated television (26)) that includes a

distribution head-end (see fig 1, server (20)) that makes programming available for

viewing on a video display device (see fig 1, television (30)) at a viewer subsystem (see

paragraph 0015), the viewer subsystem including an audio unit (see fig 2, stereo audio

speakers (70)) to provide audio for the video display unit, the smart audio guide system

comprising (see paragraph 0027, lines 1-5):

Naimpally et al. discloses an interface device (see fig. 1 (28, set-top box)) of the

content distributor (see fig. 1 (20)) provided at the viewer subsystem (see fig. 1 (26)),

having an electronic program guide and configured and operative to implement the

smart audio guide system functions (see figs 1, 2, paragraphs 0025, 0041);

a smart audio guide audio package (fig. 1 (18, 22, speech files) maintained at the

head end of the content distributor (server, 20 stores and maintains files in its database)

that includes at least a plurality of smart audio guide audio clips (EPG, weather, news

information) corresponding to the information (see paragraph 0005, lines 7-12,

paragraphs 0033 and 0048);

a smart guide actuator (remote control, 72) that is configured and operative in

response to one or more predetermined conditions to activate the rendering of the smart

audio guide audio clips (see paragraph 0036-0038);

wherein the plurality of smart audio clips are generated at a head-end of the

content distributor and stored in a database at the head-end in paragraphs 0007, 0015,

0019. In fig. 1, the method includes converting text files into speech files at a remote

location and stored in a database, in paragraph 0015, Naimpally et al. discloses that the

remote location is a text-to-speech (TTS) application server, 20 and it is well known that

servers are used for storing and distributing programs/contents.

wherein said interface device (see fig 2 (50)) is configured and operative to

cause the plurality of smart audio guide audio clips (channel 2-CNN Larry King Live etc)

to be uttered in a predetermined mode at the viewer subsystem via the audio unit when

activated to identify programs recommended for viewing at the viewer subsystem based

upon the program list (see paragraph 0042).

wherein as the plurality of smart audio guide audio clips is being uttered, a

corresponding visual presentation of the information is modified respectively to

synchronize the uttering of each of the plurality of smart audio guide audio clips with

matching program data in the visual presentation of the information (see paragraphs

0031-0032, 0036 and 0049).

However, Naimpally et al. is silent as to a recommendation engine for providing a

customized viewing-recommendations list for the viewer subsystem based upon the

programming and a customized viewing profile associated with a user of the viewer

subsystem.

In an analogous art, Aoki et al. discloses a recommendation engine for providing

a customized viewing-recommendations list (EPG information acquisition means, 106)

for the viewer subsystem based upon the programming and a customized viewing

profile (recommendation to the user based on information accumulated in the

preference database, 108) associated with a user of the viewer subsystem (see col. 5,

lines 34-54).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the method and apparatus of Naimpally et al.

to include a recommendation engine for providing a customized viewing-

recommendations list for the viewer subsystem based upon the programming and a

customized viewing profile associated with a user of the viewer subsystem as taught by

Aoki et al. for the advantage of providing popularity order of a broadcasting program in

an accurate manner.

Regarding **claim 2**, Naimpally et al. and Aoki et al. discloses everything claimed

as applied above (*see claim 1*). Naimpally et al. discloses the smart audio guide system

wherein at least one of the plurality of smart audio guide audio clips (see paragraph

0042, lines 11-15, channel 2-CNN Larry King Live etc) corresponding to a program is

generated by combining one or more audio clips identifying the program and at least

one standardized audio clip (see paragraphs 0036 and 0049).

Aoki et al. discloses customized viewing-recommendations list (EPG information

acquisition means, 106).

Regarding **claim 4**, Naimpally et al. and Aoki et al. discloses everything claimed

as applied above (*see claim 3*). Naimpally et al. discloses the smart audio guide system

wherein the corresponding visual presentation is a graphical recommendation menu

(EPG), and

the interface device (see fig 2 (50)) is further configured and operative to

implement a focus frame (focused grid) that upon each of the plurality of smart audio

guide clips being uttered, visually focuses a corresponding program grid of the graphical

recommendation menu wherein the corresponding program grid is associated with a

program identified by the audio guide audio clip (see paragraph 0049).

Aoki et al. discloses customized viewing-recommendations list (EPG information

acquisition means, 106).

Regarding **claim 5**, Naimpally et al. and Aoki et al. discloses everything claimed

as applied above (*see claim 3*). Naimpally et al. discloses the smart audio guide system

wherein corresponding visual presentation is an electronic program guide (EPG) and

wherein the interface device (see fig 2 (50)) is configured and operative to

implement a focus frame (focused grid) that visually focuses a corresponding program

grid of the electronic program guide , wherein the corresponding program grid is

associated with a program identified by the smart audio guide audio clip (see paragraph

0049).

Regarding **claim 6**, Naimpally et al. and Aoki et al. discloses everything claimed

as applied above (*see claim 1*). Naimpally et al. discloses the smart audio guide system

further comprising a speech generating unit (audio speaker), and wherein the smart

audio guide audio package further comprises a plurality of smart audio guide text files

(speech files);

and wherein the interface device (see fig 2 (50)) is configured and operative to

implement the speech generating unit to convert the plurality of smart audio guide text

files into the plurality of smart audio guide audio clips (see abstract, lines 3-14 and fig 1

(18 and 22)).

Regarding **claim 7**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 1*). Naimpally et al. discloses the smart audio guide system wherein the viewer subsystem further includes a viewer control unit (see paragraph 0033, (infrared remote control, 72)) and wherein the smart audio guide actuator comprises a button on the viewer control unit, which when depressed, activates the interface device (see fig 2 (50)) to cause the plurality of smart audio guide audio clips to be uttered in the predetermined mode at the viewer subsystem via the audio unit (see paragraph 0037-0038).

Regarding **claim 8**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 1*). Naimpally et al. discloses the smart audio guide system wherein the smart audio guide actuator (remote control) comprises a set of instructions that activates the interface device (see fig 2 (50)) to cause the plurality of smart audio guide audio clips (channel 2-CNN Larry King Live etc) to be uttered in the predetermined mode at the viewer subsystem via the audio unit (see paragraph 0042).

Aoki et al. discloses the video display device (TV set) at the viewer subsystem is initially activated (when the program started) (see col. 7, lines 45-63).

Regarding **claim 9**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 1*). Naimpally et al. discloses the smart audio guide system wherein the smart audio guide actuator (remote control) comprises a set of instructions that activates the interface device (see fig 2 (50)) to cause the plurality of smart audio

guide audio clips (channel 2-CNN Larry King Live etc) to be uttered in the

predetermined mode at the viewer subsystem via the audio unit (see paragraph 0042).

Aoki et al. discloses at the conclusion of a programming period (program ended)

(see col. 7, lines 58-61).

Regarding **claim 19**, Naimpally et al. discloses accessing a programs database

at a content distributor over a network of the content distributor and maintaining the

information at the content distributor (see fig. 1 (20), In fig. 1, the method includes

converting text files into speech files at a remote location and stored in a database, in

paragraph 0015, Naimpally et al. discloses that the remote location is a text-to-speech

(TTS) application server, 20 and it is well known that servers are used for storing and

distributing programs/contents).

However, Naimpally et al. is silent on a recommendation subsystem configured

to generate recommendations of available programs based upon viewer profile

information and viewer content selection history, wherein each recommended program

is associated with at least one respective audio clip identifying content of the

recommended program;

a viewer subsystem configured to generate audiovisual signals associated with a

program selection mechanism, including audio clips associated with at least one

recommended program.

In an analogous art, Aoki et al. discloses an apparatus adapted for use in an

interactive content distribution system, the apparatus comprising:

a recommendation subsystem configured to generate recommendations of available programs based upon viewer profile information and viewer content selection history, wherein each recommended program is associated with at least one respective audio clip identifying content of the recommended program col. 5, lines 51-col. 6, line 28. For example, when a viewer designates soccer as their favorite game or a particular team/teams as their favorite team, when a soccer game or a viewers favorite team is approaching, the agent announces "your favorite game is airing" and viewer knows it's a soccer game or soccer team; and

a viewer subsystem configured to generate audiovisual signals associated with a program selection mechanism, including audio clips associated with at least one recommended program (see col. 4, lines 49-col. 6, line 28).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method and apparatus of Naimpally et al. to include a viewer subsystem configured to generate audiovisual signals associated with a program selection mechanism, including audio clips associated with at least one recommended program as taught by Aoki et al. for the advantage of providing popularity order of a broadcasting program in an accurate manner.

Regarding **claim 20**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 19*).

Naimpally et al. discloses providing in an interface device (see fig 1 (28)) of the content distributor (see fig. 1 (20)) (see fig 1).

Aoki et al. discloses the apparatus wherein the audiovisual signals include image representative signals associated with an EPG (see col. 6, lines 35-40), Aoki et al. discloses wherein the audiovisual signals are configured such that, upon generating of each of the audio clips associated with the at least one recommended program, a portion of the EPG corresponding to the at least one recommended program becomes visually focused (with a broadest reasonable interpretation, an EPG is a scheduled broadcast television display on a screen with functions allowing a viewer to select or recognize content by time, channel etc. by using a remote control. Using this interpretation, figure 3 of Aoki et al. discloses at least one recommended program (a soccer game), a portion of the EPG (soccer game between Osaka VS. Nara) on channel 2 at 7 pm is displayed on a viewer's screen and spoken by an agent).

Regarding **claim 21**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 19*). Aoki et al. discloses the apparatus wherein the audiovisual signals are adapted for presentation via a television (see col. 7, lines 27-44).

Regarding **claim 22**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 19*). Aoki et al. discloses audio clips (customized viewing recommendation lists) (see col. 5, lines 34-54).

Naimpally et al. et al. discloses the apparatus wherein programs and their respective data are stored at a database at a head end of the content distributor (see abstract, lines 3-14, paragraph 0005).

Regarding **claim 27**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 19*). Aoki et al. discloses the apparatus further comprising a speech generating unit configured to provide audio data related to recommended content (see fig 3, col. 5, lines 61-col. 6, line 28).

Regarding **claim 28**, Naimpally et al. discloses accessing a programs database at a content distributor over a network of the content distributor and maintaining the information at the content distributor (see fig. 1 (20), In fig. 1, the method includes converting text files into speech files at a remote location and stored in a database, in paragraph 0015, Naimpally et al. discloses that the remote location is a text-to-speech (TTS) application server, 20 and it is well known that servers are used for storing and distributing programs/contents),

retrieving, from a head end of the interactive content distribution system, at least one audio associated with a data (see paragraph 0022).

However, Naimpally et al. is silent on method adapted for use in interactive content distribution system, the method comprising:

generating recommendations of available programs based upon viewer profile

information and viewer content selection history, wherein each recommended program

has associated with it a respective audio clip;

generating audiovisual signals associated with a program selection mechanism,

the audiovisual signals including at least one retrieved audio clip; and audio clips.

In an analogous art, Aoki et al. discloses method adapted for use in interactive

content distribution system, the method comprising:

generating recommendations of available programs based upon viewer profile

information and viewer content selection history, wherein each recommended program

has associated with it a respective audio clip (see abstract, fig 17, col. 10, lines 55-col.

11, line 13);

rendering audiovisual signals associated with a program selection mechanism

through a display and speakers, the audiovisual signals including at least one retrieved

audio clip (see col. 4, lines 49-col. 6, line 28); and audio clips (customized viewing

recommendation) (see col. 5, lines 34-54).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the method and apparatus of Naimpally et al.

to include generating recommendations of available programs based upon viewer

profile information and viewer content selection history, wherein each recommended

program has associated with it a respective audio clip as taught by Aoki et al. for the

advantage of providing popularity order of a broadcasting program in an accurate

manner.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Naimpally et al. (U.S. Publication No. 2003/0105639) and Aoki et al. (U.S. Patent No.

7,107,271) as applied to *claim 1* above, and further in view of Chang et al. (U.S. Patent

No. 7,328,159).

Regarding **claim 12**, Naimpally et al. and Aoki et al. discloses everything claimed

as applied above (*see claim 1*). However, Naimpally et al. and Aoki et al. are silent on

the processing unit is configured and operative to temporarily discontinue the audio

associated with programming being displayed via the video display device at the viewer

subsystem when the plurality of smart audio guide clips is being uttered in a

predetermined mode at the viewer subsystem via the audio unit.

Chang et al. discloses the interface device is configured and operative to

temporarily discontinue the audio associated with programming being displayed via the

video display device at the viewer subsystem when the plurality of smart audio guide

clips are being uttered in a predetermined mode at the viewer subsystem via the audio

unit (see col. 2, lines 50-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify Naimpally et al. and Aoki et al.'s invention

with the above mentioned limitation as taught by Chang et al. for the advantage of

accepting voice input.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Naimpally et al. (U.S. Publication No. 2003/0105639) and Aoki et al. (U.S. Patent No.

7,107,271) as applied to *claim 19* above, and further in view of Ellis (U.S. Patent No.

7,370,343).

Regarding **claim 23**, Naimpally et al. and Aoki et al. discloses everything claimed

as applied above (*see claim 20*). However, Naimpally et al. and Aoki et al. fail to

specifically disclose the apparatus wherein normal presentation of the EPG is modified

in response to the presence of recommended content within an EPG page.

Ellis discloses the apparatus wherein normal presentation of the EPG is modified

in response to the presence of recommended content within an EPG page (see col. 21,

lines 56-col. 22, line 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the method and apparatus of Naimpally et al.

and Aoki et al. to include apparatus wherein normal presentation of the EPG is modified

in response to the presence of recommended content within an EPG page as taught by

Ellis for the advantage of updating an EPG.

Regarding **claim 24**, Naimpally et al., Aoki et al. and Ellis discloses everything

claimed as applied above (*see claim 20*). Ellis discloses the apparatus wherein an

audio clip associated with recommended content is rendered in response to the

presence of recommended content displayed within an EPG page (see col. 13, lines 39-

59, col. 19, lines 21-45).

Naimpally et al. also discloses audibly presenting content (see paragraph 0042)

Regarding **claim 25**, Naimpally et al., Aoki et al. and Ellis discloses everything claimed as applied above (*see claim 24*). Ellis discloses the apparatus wherein an audio clip associated with recommended content is presented in response to user manipulation of the EPG to potentially recommended content (see col. 13, lines 39-59, col. 19, lines 54-65).

Naimpally et al. also discloses audibly presenting content (see paragraph 0042)

Regarding **claim 26**, Naimpally et al. and Aoki et al. discloses everything claimed as applied above (*see claim 19*). Naimpally et al. also discloses audibly presenting content (see paragraph 0042).

Aoki et al. discloses each of a plurality of audio clips associated with recommended content is presented (see fig 16, col. 10, lines 40-54).

However, Naimpally et al. and Aoki et al. fail to specifically disclose the apparatus wherein in response to a user selection of a predefined graphical button each of a plurality of audio clips associated with recommended content is audibly presented.

Ellis discloses the apparatus wherein in response to a user selection of a predefined graphical button each of a plurality of audio clips associated with recommended content is presented (see col. 13, lines 39-59, col. 16, lines 39-col. 17, line 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method and apparatus of Naimpally et al. and Aoki et al. to include the apparatus wherein in response to a user selection of a predefined graphical button each of a plurality of audio clips associated with recommended content is presented as taught by Ellis for the advantage of the vision impaired to hear the content which was selected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
October 14, 2009.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425